

Office of the Secretary of State  
Building 1 Suite 157-K  
1900 Kanawha Blvd E.  
Charleston, WV 25305



**Mac Warner**  
Secretary of State  
State of West Virginia  
Phone: 304-558-6000  
886-767-8683  
Visit us online:  
[www.wvsos.com](http://www.wvsos.com)

RORY L. PERRY II  
110 N Heber Street  
Suite 119  
Beckley, WV 25801



**Control Number:** 317695

**Defendant:** KENTUCKY FUEL CORPORATION  
560 MAIN STREET WEST  
WHITE SULPHUR SPRINGS, WV  
24986 US

**Agent:** PRAS LLC

**County:** Federal

**Civil Action:** 5:18-CV-1336

**Certified Number:** 92148901125134100003889636

**Service Date:** 1/24/2024

I am enclosing:

**1 suggestions**

which was served on the Secretary at the State Capitol as your statutory attorney-in-fact. According to law, I have accepted service of process in the name and on behalf of your corporation.

*Please note that this office has no connection whatsoever with the enclosed documents other than to accept service of process in the name and on behalf of your corporation as your attorney-in-fact. Please address any questions about this document directly to the court or the plaintiff's attorney, shown in the enclosed paper, **not to the Secretary of State's office.***

Sincerely,

*Mac Warner*

Mac Warner  
Secretary of State

TO THE UNITED STATES MARSHAL FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA:

In the name of the United States of America, we command you to summon **Kentucky Fuel Corporation**, if it be found in your bailiwick, to serve upon James W. Lane, Esq. and Eric M. Johnson, Esq. counsel for Plaintiff, at 200 Capitol Street, Charleston, WV 25301, 304-342-0200, an answer, in writing, under oath, to the attached *Suggestion* within 20 days after service of this Summons upon you.

Dated: Jan. 4, 2024

RORY L. PERRY II, CLERK

By: June A. Smith  
Deputy Clerk

RECEIVED FOR  
CLERK OF COURT  
2024 JAN 21 A 10:22  
SOUTHERN DISTRICT OF WEST VIRGINIA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BECKLEY**

**KOMATSU FINANCIAL  
LIMITED PARTNERSHIP,**

**Plaintiff,**

**v.**

**Civil Action No.: 5:18-cv-1336**

**KIRBY LAND COMPANY INC.,**

**Defendant.**

**SUGGESTION**

On September 16, 2019, the United States District Court for the Southern District of West Virginia at Beckley entered an Order awarding judgment in favor of Plaintiff, Komatsu Financial Limited Partnership, and against Defendant, Kirby Land Company, Inc., in the amount of Nine Million Four Hundred Thirty-Eight Thousand Six Hundred Thirty-Five and 43/100ths Dollars (\$9,438,635.43) and post-judgment interest. On December 11, 2019, the United States District Court for the Southern District of West Virginia at Beckley entered an Order awarding Plaintiff, Komatsu Financial Limited Partnership, attorneys' fees and costs in the amount of Eighty-One Thousand Four Hundred Seventy-Four and 84/100ths Dollars (\$81,474.84). The Clerk of Court issued a Writ of Execution, which was delivered to the United States Marshal for the Southern District of West Virginia. Plaintiff, Komatsu Financial Limited Partnership, by its attorney, suggests that there is a liability, by reason of the lien of said Writ upon the following entity who is not the judgment debtor:

**Kentucky Fuel Corporation  
302 S. Jefferson St.  
Roanoke, VA 24011**

The Clerk is requested to issue a summons upon said suggestion.

/s/ L. Elizabeth King

James W. Lane Jr., Esq. (WV Bar # 6483)

William J. Hanna, Esq. (WV Bar #5518)

Eric M. Johnson, Esq. (WV Bar #13011)

L. Elizabeth King, Esq. (WV Bar #14268)

Flaherty Sensabaugh Bonasso PLLC

200 Capitol Street  
Charleston, WV 25301  
[ilane@flahertylegal.com](mailto:ilane@flahertylegal.com)  
[whanna@flahertylegal.com](mailto:whanna@flahertylegal.com)  
[ejohnson@flahertylegal.com](mailto:ejohnson@flahertylegal.com)  
[eking@flahertylegal.com](mailto:eking@flahertylegal.com)  
(304) 345-0200  
*Counsel for Komatsu Financial Limited Partnership*